APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,052	04/06/2001	Geetha Srikantan	SUN-P4965-MDL	5768

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EXAMINER
PATEL, HARESH N

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/828,052	SRIKANTAN ET AL.
Office Action Summary	Examiner	Art Unit	
	Haresh Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2005*.

2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *5/5/2005*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-23 are presented for examination.

Response to Arguments

2.   Applicant's arguments filed 4/18/2005 have been fully considered but they are not

persuasive. Therefore, rejection of claims 1-23 is maintained.

Applicant argues (1), "SYSCON, JT Router: Let your clients tunnel their way across the

internet, October 1, 1997, pages 1-12, Ajit Sagar, (Hereinafter Sagar-SYSCON) does not teach

or suggest registering multiple sockets with a polling module, use of polltable, handle an event

received at the registered socket, Sagar-Syscon does not share a thread for polling sockets, and

Sagar-Syscon does not associate sockets with event consumers". The examiner respectfully

disagrees in response to applicant's arguments. The claimed subject matter is rejected by the

combined teachings of Sagar-SYSCON, Cathey et al., 5,778,182 (Hereinafter Cathey-AT&T)

and Guedalia et al., 6,535,878, Roxio (Hereinafter Guedalia-Roxio). In response to applicant's

arguments against the references individually, one cannot show nonobviousness by attacking

references individually where the rejections are based on combinations of references. See *In re

Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231

USPQ 375 (Fed. Cir. 1986). Sagar-SYSCON discloses registering multiple sockets with a

polling module (e.g., registering of sockets when the sockets are created, lines 16 – 28, page 2),

handle an event received at the registered socket (e.g., receiving all information from the sockets

and processing the received information, lines 16 – 28, page 2), sharing a thread for polling

sockets (e.g., concept of using same process, lines 14 – 36, page 1), associating sockets with

event consumers (e.g., usage of multiple sockets for connection handlers, lines 16 – 28, page 2).

Geagon-Blue-Coat-Systems discloses use of polltable (e.g., handling of sockets for RTP, RTCP,

RTSP, UDP, etc., col., 3, lines 34 – 48). The claim is open-ended (comprising), and page 23,

lines 7-12 of the specification, clearly states, "The foregoing descriptions of embodiments of the

invention have been presented for purposes of illustration and description only. They are not

intended to be exhaustive or to limit the invention to the forms disclosed. Many modifications

and variations will be apparent to practitioners skilled in the art. Accordingly, the above

disclosure is not intended to limit the invention; the scope of the invention is defined by the

appended claims". Since, applicant's claims contain broadly claimed subject matter, it clearly

reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is

maintained.

Applicant argues (2), "Geagan, Blue Coat Systems, 6,735,634 (Hereinafter Geagan-Blue-

Coat-Systems) does not disclose, teach, or suggest the applicant's claimed present invention, i.e.,

one socket used at a server that streams media to host simultaneous connections to multiple

clients and using a single port on the proxy to stream the content to multiple clients

simultaneously". The examiner respectfully disagrees in response to applicant's arguments. In

response to applicant's argument that the references fail to show certain features of applicant's

invention, it is noted that the features upon which applicant relies, "one socket used at a server

that <u>streams media to host</u> simultaneous connections to multiple clients and using a <u>single port</u>

<u>on the proxy</u> to <u>stream the content</u> to multiple clients simultaneously", are not recited in the

rejected claim(s). Although the claims are interpreted in light of the specification, limitations

from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). What is claimed is, "server is configured to stream media to the

clients". Geagan-Blue-Coat-Systems discloses server is configured to stream media to the

clients, e.g., col., 3, line 3 – col., 4, line 67. Since, applicant's claims contain broadly claimed

subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter.

Therefore, the rejection is maintained.

Applicant argues (3), "Sagar-SYSCON, Cathey-AT&T and Rueda et al. U.S. Publication

2002/0112076 (Hereinafter Rueda-Telecom-Research-Laboratory) teaches away from

applicant's invention. The examiner respectfully disagrees in response to applicant's arguments.

What applicant is trying to accomplish is a method of handling events received at sockets in a

computer server configured to serve client, see claim 1. Sagar-SYSCON discloses handling

events received at sockets in a computer server configured to serve client (e.g., page 3, lines 15 –

36). Cathey-AT&T discloses the concept of polling sockets of the computer device (e.g., col., 9,

lines 21 – 54) and Rueda-Telecom-Research-Laboratory discloses the concept of utilizing the

processor threads and sockets (e.g., figures 7 and 29). The claimed subject matter is rejected by

the combine teachings of Sagar-SYSCON, Cathey-AT&T, Guedalia-Roxio and Rueda-Telecom-

Research-Laboratory. Since, applicant's claims contain broadly claimed subject matter, it clearly

reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is

maintained.

Priority

3.   Applicant's acknowledgement of the claims not benefiting the effective date of the

priority document is noted.

Response to Amendment

4.   The amendment to the specification, title and abstract, dated 4/18/2005, has been

acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter, which the applicant regards as his invention.

5.   Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

6.   Claim 1 recites the limitations, "the execution of tasks invoked by said event consumers".

There is insufficient antecedent basis for this limitation in the claim.

7.   Claim 2 recites the limitations, "each of said sockets in said second plurality of sockets".

There is insufficient antecedent basis for this limitation in the claim.

Note: Applicant did not address these rejections in response, dated 4/18/2005.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8.   As per claim 15 merely claimed as a data structure *per se*, that is, descriptions or expressions of such a program and that is, descriptive material *per se*, non-functional descriptive material, and is not statutory because it is not a physical "thing" nor a statutory process, as there are not "acts" being performed. Such claimed data structures do not define any structural and functional interrelationships between the computer program and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program defines structural and functional interrelationships between the computer program and the medium which permit the computer program's functionality to be realized, and is thus statutory. **Warmerdam**, 33 F.3d at 1361, 31 USPQ2d at 1760. **In re Sarkar**, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978). See MPEP § 2106(IV)(B)(1)(a).

As per claim 15, a data structure having data information is claimed. A data structure on a software medium does not overcome the statutory rejection. The claimed data structure with data does not relate to the physical entities.

Note: Applicant did not to address these rejections in response, dated 4/18/2005.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over "JT Router: Let your clients tunnel their way across the internet", October 1, 1997, pages 1-12, Ajit Sagar, SYSCON (Hereinafter Sagar-SYSCON) in view of Cathey et al., 5,778,182 (Hereinafter Cathey-AT&T) and Guedalia et al., 6,535,878, Roxio (Hereinafter Guedalia-Roxio), as per office action, paper dated 2/3/2005.

11.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sagar-SYSCON, Cathey-AT&T, and Guedalia-Roxio in view of Rueda et al. U.S. Publication 2002/0112076 (Hereinafter Rueda-Telecom-Research-Laboratory), as per office action, paper dated 2/3/2005.

12.   Claims 3 and 5-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagar-SYSCON, Cathey-AT&T, and Guedalia-Roxio in view of Geagon III et al. 6,735,634 (Hereinafter Geagan-Blue-Coat-Systems), as per office action, paper dated 2/3/2005.

13.   Claims 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagar-SYSCON, Cathey-AT&T, Guedalia-Roxio and Geagon III in view of "Official Notice", as per office action, paper dated 2/3/2005.

14.   Amended Claim 4, is rejected under 35 U.S.C. 103(a) as being unpatentable over Sagar-SYSCON, Cathey-AT&T, Guedalia-Roxio, Geagan-Blue-Coat-Systems in view of "Official Notice".

15.   As per claim 4, Sagar-SYSCON, Caley-AT&T, Guedalia-Roxio and Geagan-Blue-Coat-

Systems teach the claimed limitations rejected under claims 1 and 3. Sagar -SYSCON also

teaches a listener consumer configured to handle a connection request (e.g., page 2, lines 35 -

48). However, Sagar –SYSCON, Caley-AT&T, Guedalia-Roxio and Geagan-Blue-Coat-

Systems do not specifically mention about the different consumers are derived from a single

abstract class. "Official Notice" is taken that both the concept and advantages of providing the

different consumers are derived from a single abstract class is well known and expected in the

art. For example, Branson et al., 6,513,152, IBM, paragraph 33, discloses these limitations.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to include different consumers are derived from a single abstract class with the

teachings of Sagar –SYSCON, Caley-AT&T, Guedalia-Roxio and Geagan-Blue-Coat-Systems

in order to facilitate a single abstract base class because the abstract base class would provide

support for the other classes. The well-known object oriented technology concept of using

abstract base class would provide common functionality for derived classes.

Conclusion

16.   The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and

not relied upon is considered pertinent to applicant's disclosure.

Kallas et. al. 6,778,653, Nortel Networks, Maes et al., 6,801,604, IBM, Blom et al. U.S.

Pub. 2003/0131353, Jacobus Lucent Technologies, 2001/0052008, Brassil et al., U.S. Pub.

2004/0210944, Salama et al. Cisco, also teach polling of sockets to implement RTP, RSVP,

RTSP, SAP, SDP, protocols for steaming media with QoS, for multiple media sessions. Barry et

al., 6,615,258, and Devine et al., 6,385,644, Worldcom Inc., teaches polling thread handling

secure socket connections. Graham et al., 6,871,213, Kana Software, teaches handling of

simultaneous socket connections. Raghunathan et al., 2002/0120716, teaches polling of sockets

using socket threads.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The

examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to

8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

July 23, 2005